

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MS. JUSTICE P.T.ASHA

W.A. No.1908 of 2019
and C.M.P.No.12975 of 2019

Tmt.Rukmani

..... Appellant

Vs.

The Commissioner of Labour,
Office of the Commissioner of Labour,
DMS Building, Teynampet,
Chennai - 600 006.

..... Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order of this Court dated 09.04.2019 made in W.P.No.10682 of 2019.

Prayer in W.P.No.10682 of 2019:Petition filed under Article 226 of the Constitution of India praying this Hon'ble Court to issue a Writ of Certiorarified Mandamus to call for the proceedings of the respondent in E2/21122/2018 dated 31.05.2018 and quash the same thereby direct the respondent to post the petitioner a lady officer to any non-sensitive post which are vacant at Deputy Inspector of Labour (Storage Tank) Coimbatore or Deputy Inspector of Labour Palani instead of Deputy Inspector of Labour (On OD) Manager(Labour) TASMACHennai.

For Appellant : Mr.M.Liagat Ali

For Respondent : Mrs.A.Sri Jayanthi, Spl.G.P.

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN,J.)

The appellant was transferred from the post of Deputy Inspector of Labour, Coimbatore to Chennai. She was posted as Deputy Inspector of labour, Tasmach, Chennai. The order was challenged primarily on the ground that she is having health issues. The appellant also contended that she would attain the

age of superannuation within a period of seven months. The learned single Judge dismissed the Writ Petition by holding that transfer is an incidence of service. The said order is under challenge at the instance of the unsuccessful writ petitioner.

2. We have issued notice to the respondent taking into account the prima facie case made out by the appellant. Since the appellant would retire very shortly, we direct the respondent to consider as to whether she could be retained at Coimbatore.

3. When the appeal is taken up for hearing today, learned Special Government Pleader produced a copy of the order dated 29.07.2019 issued by the Commissioner of Labour, Chennai posting the appellant as Deputy Inspector of Labour -1, Coimbatore in the existing vacancy.

4. The respondent has issued the order dated 29.07.2019 in modification of the earlier order dated 31.05.2018. Since the appellant would be retiring very shortly, the respondent was correct in retaining her at Coimbatore, till her retirement.

5. In view of the subsequent events, relating to the order passed by the respondent dated 29.07.2019, there is no need for a further adjudication of the issue raised in the appeal.

6. The intra Court appeal is disposed of taking into account the subsequent events indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner of Labour,
Office of the Commissioner of Labour,
DMS Building, Teynampet, Chennai - 600 006.

+1ccc to the Government Pleader Sr.65471
+1cc to Mr.M.Liagat Ali, Advocate Sr.64869

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sv[co]
srg 19/09/2019